



THE CITY OF SAN DIEGO



July 23, 2015

VIA EMAIL TO: commentletters@waterboards.ca.gov

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comment Letter – Storm Water Strategic Initiative

Dear Ms. Townsend:

The City of San Diego (City) appreciates the opportunity to provide input into the public scoping process related to the Storm Water Strategic Initiative (Initiative). The City and other municipalities across the state have coordinated with the California Stormwater Quality Association to provide input to the State Water Board regarding the local government perspective.

The City is encouraged by many of the proposed guiding principles and projects presented in the draft Initiative. The City strives to use the best available science for watershed planning, and this Initiative incorporated many of the local government concerns. Overall, the City is supportive of the Initiative and offers the following comments and recommendations for your consideration.

- The City supports Guiding Principle 3 and the concept that storm water funding barriers need to be addressed with the assistance of the State Water Board.
- Pollution prevention through source control, as outlined in Guiding Principle 4 is crucial in the storm water arena. Most pollutants do not originate in the municipal separate storm sewer system (MS4), so the substitution or elimination of those pollutants in the environment, where possible, reduces the need to treat storm water. One example is aerial deposition of Polycyclic Aromatic Hydrocarbons (PAHs) that enter the MS4 and receiving waters during storms. The United States Geological Service has shown a large portion of PAHs in the environment is from aerial deposition, and coordination with the Air Resources Board to address this issue is needed. The City recommends that the State Water Board revise the Storm Water Strategic Initiative to acknowledge that pollution prevention through source control of air sources will much more efficiently reduce the pollutant loading, and that this methodology should be pursued before imposing costly storm water treatment requirements on municipalities.

Transportation & Storm Water Department

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- The City recommends that Project 19 to attain better cost estimates for new storm water strategies be changed from a low priority to a medium priority. Cost estimates allow for the prioritization of Best Management Practices and represent the starting point for future budget requests.
- Treating storm water as a valuable water resource, reflected in Guiding Principle 1, is of critical importance to the City. Specifically, the City strongly supports Projects 1b and 1c to remove barriers to storm water capture and use and increase storm water capture and use through regulatory approaches. These same issues were identified at the San Diego Regional Board's May 11, 2015 Sustainable Local Water Supply and Drought Resiliency Summit, and further documented in the Executive Officer's report to the State Water Board dated July 1, 2015 (see Attachment 1). The report includes a request that the State Water Board clarify the codes and standards governing the use of captured storm water, including identification and resolution of conflicting standards. This should also be identified as an action item in the Storm Water Strategic Initiative.
- It is important that storm water agencies coordinate closely with water supply agencies in the implementation of Guiding Principle 1. As such, we recommend that the State Board consider options for assuring that water supply agencies are included in the development of water resource development strategies. Additionally, there should be some consideration of having Stormwater Resource Plans and Urban Water Management Plans cross-reference one another to assure agency coordination.
- Please provide a definition of "Storm Water." Is it the water that flows into and from the municipal separate storm sewer system, or is it a watershed approach to collecting precipitation, particularly in a reservoir? The goals appear to assume the latter, but the action projects seem to assume the former (see Projects 5, 6 & 8). A definition would help ensure that the actions are consistent with the goals.
- This initiative should recognize and take into account local hydrogeology. For example, San Diego has very few groundwater basins and clay soils. Some LID BMPs would not work as efficiently here as other areas of the state. This Initiative should allow for local conditions to be considered.

Thank you for your time and consideration of these comments. If you have questions, please contact Ruth Kolb at (858) 541-4328 or at rkolb@sanidiego.gov.

Sincerely,



Drew Kleis
Deputy Director

DK\rk

Attachment

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Jeanine Townsend
July 23, 2015

cc: Alejandra Gavaldon, Director of Federal Government Affairs & Water Policy,
Office of the Mayor
Mike Hanson, Director of Land Use & Environmental Policy, Office of the Mayor
Paz Gomez, Deputy Chief Operating Officer
Kris McFadden, Transportation & Storm Water Department Director
Halla Razak, Director, Public Utilities Department
Heather Stroud, Deputy City Attorney, City Attorney's Office
Clem Brown, Program Manager, Transportation & Storm Water Department
Ruth Kolb, Program Manager, Transportation & Storm Water Department
Cathy Pieroni, Principal Water Resources Specialist, Public Utilities Department



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

TO: Tom Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

FROM: David W. Gibson, Executive Officer *David W. Gibson*
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700

DATE: July 1, 2015

SUBJECT: REPORT ON MAY 11, 2015 SAN DIEGO WATER BOARD SUSTAINABLE LOCAL WATER SUPPLY AND DROUGHT RESILIENCY SUMMIT

Efforts to achieve water conservation and a sustainable local water supply are a significant part of the San Diego Water Board's Practical Vision, which was endorsed by the Board in November 2013 (Chapter 5: Strategy to Achieve Sustainable Local Water Supply). This chapter was developed in the anticipation of a climate that will feature recurrent droughts, punctuated by wet years as climate change and global warming shift historic climate regionally towards a more arid condition. The Practical Vision includes focus of staff work on increased water recycling, water purveyor outreach, storm water capture and use, desalination, and especially potable reuse of recycled wastewater.

The extreme drought condition gripping the State and the May 5, 2015 adoption of the emergency regulations by the State Board prompted the San Diego Water Board to accelerate the efforts outlined in its Practical Vision by convening a Sustainable Local Water Supply and Drought Resilience Summit (Summit) at its office. Approximately 70 people from over 50 organizations attended the Summit held on the afternoon of May 11, 2015 to share their insights and approaches for working together to respond to the current drought and increase long term drought resiliency in the face of climate change and the likelihood of recurrent drought cycles. Stakeholder groups represented included Non-Governmental Organizations, municipalities regulated under the Regional Storm Water Permit, and water purveyors. Nearly all the organizations represented had efforts already underway to meet conservation mandates and - improve drought resiliency. The Summit was attended by San Diego Water Board Members Tomas Morales and Eric Anderson, State Water Board Member Frances Spivy-Weber, and included staff of the Drinking Water Division. The Summit was facilitated by the State Water Board Office of Public Participation and San Diego Water Board staff led the discussions in each of the focus groups and provided a report to their Board at the regularly scheduled Board meeting May 13, 2015.

HENRY ABARBANEL, PH.D, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

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Key questions the Water Board raised in the Summit were how we could help, what issues should we be aware of, and what issues we could address in conjunction with the Water Board's regulatory decision making. With these questions in mind, seven focus groups were formed on the subjects of: 1) Messaging; 2) Incentives; 3) Enforcement; 4) Resource Sharing; 5) Storm Water Capture; 6) Recycled Water; and 7) Local Water Resource development.

Some of the most important points raised by many participants included:

- The overriding need for the timely adoption of the regulations governing direct and indirect potable re-use of recycled water;
- The concern that that the Governor's mandatory water restrictions, although broadly supported by the participants, could nonetheless have the unintended effect of discouraging indirect potable reuse and desalination projects;
- The importance of providing more flexibility in funding projects through Propositions 1 and 84;
- The importance of developing regulations or statewide guidance on gray water use; and
- Convening follow up meetings especially on the subjects of collaborating on messaging.

Below are summaries of the information shared by the participants during the Summit that address some of the key questions aligned with the Water Board's role in assisting with water conservation efforts and meeting its Practical Vision goals.

Messaging

The focus of the messaging discussion was on the role messaging plays in reducing water consumption and building support for drought resiliency. Prompted by concerns that some consumers may be suffering from "drought fatigue" or "drought deafness" based on current, ongoing, messaging, one of the central targets was to identify what was effective and build on that momentum. In contrast, messaging on water reduction is not reaching all target audiences and/or is not being delivered effectively, so participants also focused on how to facilitate better delivery of the message to conserve water and follow up actions targeted to those not engaged in the drought emergency.

Positive messaging was repeatedly identified as having the most impact, and "success stories" in particular, as carrying the most potential to inspire, encourage and achieve the reductions in consumption necessary to meet the challenges mandated by the conservation goals. Anchoring messages to conserve in statistics and awards was underscored as demonstrating how much can be done cumulatively by each individual's efforts. For example, print and electronic media could herald the number of lawns retired by a neighborhood or city, coupled with the number of gallons of water saved, which could induce competition for awards between concerned communities. Identifying and reinforcing the message of benefit to those consumers and their communities can help offset the perception that water conservation primarily benefits others.

As important as the message was the method of delivery, which was identified as an area for improvement. With different and numerous agencies facing different challenges, such as widely varying water consumption targets, fragmentation instead of consolidation is the nature of drought messaging currently. Participants promoted simplification and customization of the

message, after a rigorous discussion of what the message should be. Some examples were, "Lawns be gone", "When in drought **IS** the new normal", and "What is a landscape? Something to reduce **now**, for water conservation."

Changing the culture of water intensive landscaping choices will require long term communications strategies and sustained efforts even when the present drought is alleviated. Among the principal concerns of participants was to find adept methods to reach key target audiences. Multi-cultural neighborhoods in the San Diego region are not just bi-lingual, they are multi-lingual. A capacity to reach out in multiple languages to these communities is needed. In addition, a study mentioned that the 18 to 35 year old demographic is not engaged in the need for water conservation as one of the biggest stakeholders in the "new normal" of recurring droughts. A representative from a water purveyor provided statistical support for the notion that once people take conservation measures they perpetuate the habit, and this demographic will be in the best position to form the habits now to maintain reductions into the future. Finally, landscape professionals have a vested interest in wanting landscapes to look "nice." In doing so, they are in the best position to provide advice on a choice of landscapes that can look great and still conserve water. Participants endorsed the need to make a determined effort to involve these key audiences with appropriate messaging well beyond the current crisis.

Incentives

Participants provided a number of suggestions to increase incentives to conserve and augment local water resources during the present and future droughts. The suggestions included fast-tracking loan and grant programs, allowing grant "pay backs," increasing grant program flexibility and loan financing mechanisms, and expanding the use of Proposition 84 funding. Participants requested that State grant and loan programs be accelerated and streamlined so Agencies and Municipalities can obtain funds sooner and meet the Governor's Directive to streamline the drought response efforts as well as invest in long term drought resiliency.

Several participants suggested incentives to maintain a steady improvement of local conservation achievements. One of the recommendations was that local agencies fronting funds might be afforded a "pay back" if the State allowed grant funds available in future years to be used to fund past efforts. Coupled with this, a State platform to offer increased flexibility with funding, such as a 50/50 or 25% match, could create a surge that incorporates "out of the box" ideas for grants (e.g. pressure regulators and gray water). Alternative financing mechanisms contained within loans to Water Agencies would also assist with support for enhancements to meter technology and billing practices designed to inform water consumers on usage. A request was made to communicate this need for flexibility to State Board staff (DFA and DQW) so this can be incorporated into Grant and Loan Guidelines.

Alongside flexibility was the expressed need for expansion of programs with a 50% local/ 50% State match. Programs proven to be successful at achieving water conservation such as lawn replacement could be paired with new incentives for pool removal, installation of pressure regulators and shoring up increases of local supplies with rain barrels and establishment of further grey water systems.

Because drought response efforts and sustainable local water supply projects are often integrated, the participants perceived a need to increase the amount of funding available through Proposition 84. Expansion of Prop 84 funds to include storm water and flood capture was used as an example. Prop 84 applicants can then take advantage of spending money on truly integrated projects and obviate funding from grants focused on one specific task where spending may be restricted to an individual entity.

Enforcement

A heightened level of enforcement, ideas for more effective enforcement and issues surrounding recent enforcement measures were the main focus of the discussion with both municipalities charged with enforcement to deter over-irrigation under their MS4 permit and water purveyors playing the central role in enforcement of water restrictions based on a reduction in residential gallons per day consumed.

Some municipalities and Water Districts reported that they have shortened their procedure for issuing fines by going directly to Notices of Violation instead of a warning letter. There were no reports, however, of over irrigation fines having been issued as of the date of the Summit.

More effective coordination of enforcement efforts between Municipal Storm Water Copermittees and Water District representatives was requested in conjunction with facilitation by the San Diego Water Board. That coordination should be followed closely by a week-long media campaign to publicize and attract media attention and raise awareness.

Other measures were suggested to increase enforcement effectiveness, such as smart meters used to identify offenders, and via a blanket legal opinion from the Attorney General's Office, or the State Water Board Office of Chief Counsel, to provide Water Districts and municipalities a level of confidence concerning the authority to issue fines for over-irrigation.

Ineffective enforcement measures were discussed—namely, limits on irrigation by number of days per week and denial of water service. To be effective, a watering time restriction must be coupled with the restriction to a number of days, as without the restriction on watering time, the result was increased overwatering and runoff to the MS4. Denial of water service was considered ineffective due to the increased pressure of litigation taken against agencies by wealthier homes whose landscaping died.

Resource Sharing

Several of the participants suggested building on existing efforts by municipalities and water purveyors in relation to over-irrigation complaints and enforcement, consolidating rebate and turf replacement programs currently distributed across several agencies or organizations, and sharing public information and outreach staff across agencies. It also was suggested that the Water Board champion a Regional Strategy that provides flexibility as opposed to strict mandate, facilitate more direct communication between the San Diego Water Board and the San Diego Water Authority (SDWA) on drought efforts, and additional steps by the water board to reach out to city councils and other governing bodies. Participants also discussed the desire that agencies should be allowed to sell excess water to another agency that requires additional water.

Storm Water Capture and Use

Alongside the prevalent view that capture and use of storm water should be considered an opportunity to utilize a local resource is the irony several participants identified in constraints on existing funding through AB 2403. Storm water collected for irrigation purposes may not qualify for funding. Other participants commented that the State should clarify the codes and standards (e.g. plumbing and public health) governing the use of captured storm water, including identification and resolution of conflicting standards. Participants also championed State incentives for schools regulated by Phase II to take advantage of abundant opportunities for storm water capture and reuse. If schools are to be regulated under the Phase II storm water program, requirements should be added to the statewide permit requiring storm water capture and use features through Low Impact Development BMPs, where practicable.

Recycled Water

The Summit participants repeatedly and strongly emphasized that the development of regulations pertaining to Indirect Potable Reuse (IPR) for surface water supply augmentation and Direct Potable Reuse (DPR) must be completed as soon as possible. Water Agencies are designing projects with an expectation that IPR and DPR regulations will be adopted on schedule. Delays in the development and adoption of the regulations will impact development of the most important water recycling efforts in the region and result in project delays, which increases overall costs for the water supply projects, and lessen public support for potable water recycling from the rate-paying public.

The Summit included discussion that identified issues and opportunities for increased use of recycled water. Examples of efforts underway in the City of San Diego, at Padre Dam Municipal Water District (Padre Dam), and in the City of Escondido were reviewed. These agencies are leading efforts to increase recycled water re-use as a potable supply through surface water or ground water augmentation. Other projects included construction of residential fill stations where customers can fill containers with recycled water for non-potable uses. In addition to pending large projects like the Pure Water Project being developed by the City of San Diego, the Water Board has also authorized small projects like the use of recycled water provided by Padre Dam for street sweeping in the City of Santee.

Among the challenges and obstacles identified to increasing recycled water reuse are securing funding to expand existing recycled water infrastructure, compliance with effluent limits for Total Dissolved Solids, iron, and manganese in Waste Discharge Requirements (WDRs) or Master Reclamation Permits. The Master Reclamation Permits, in particular, restrict dischargers to using recycled water in specific hydrologic areas. A quicker turnaround time on recycled water permits was desirable, and financial support by water purveyors for a designated State Board or San Diego Water Board employee(s) to process permits was mentioned as a possible approach worth exploring.

Although broadly supportive of the Governor's mandatory water restrictions Executive Order and the State Water Board's Emergency Regulations, water purveyors and municipalities were nonetheless concerned that those actions could have the effect of discouraging indirect potable reuse and desalination projects; that they could become "stranded assets." Nearly all of the agencies participating requested assistance from the State Water Board and San Diego Water Board to relay their concerns about the unintended effect on these projects and request that mandatory water restrictions should be applied only to imported water sources and not local water sources like recycled water, indirect potable reuse, or desalination.

Gray Water – an Adjunct Discussion

Although not a primary discussion topic, gray water was raised at several tables during the Summit. The need to establish clear definitions of gray water, storm water, rain water, and recycled water in Title 17 of the Code of Regulations, Title 22 of the Code of Regulations, the California Plumbing Code 2013, the California Water Code, and the Rainwater Capture Act of 2012 were specifically mentioned, as the current definitions are vague or silent in most State regulations. The participants also recommended that the State establish clear guidelines in revised regulations and include civil codes for gray water and storm water uses. Currently, local municipalities are hesitant to pursue gray water and storm water reuse programs and projects with the exception of rainwater collected from any private or public parcels for outdoor non-potable use because of the vague or silent regulations. Clearly defined definitions and state-mandated guidelines would streamline processes and encourage more storm water reuse programs and projects statewide.

Local Water Resource Development

A discussion of the opportunity to increase the existing water supply portfolio using local groundwater revealed a consensus on the number of significant issues that make development of this resource a low priority. Cost/benefit was one of those significant issues. Specifically, the cost to develop this resource and the anticipated increase in useable water is a major concern. Several other local sources were identified as being highly promising alongside an expressed desire to develop their use.

In Orange County, most of the accessible ground water basins are already in use and salt water intrusion is an issue. The participants there have requested San Diego Water Support for recycled water use in community parks, to recharge coastal ground water basins, and in surface storage in open reservoirs to facilitate recycled water re-use.

In the San Diego Region, the cost of potential ground water development in basins not already in use has not been demonstrated to date. For example, with the exception of the alluvial valleys, which are limited in area and extent, the potential aquifers (such as the San Diego Formation) are expected to provide a limited quantity of water with limited recharge, and will need to be treated (desalination) prior to use. In San Diego County, the water purveyors identified the need to balance the cost of the incremental water supply against the cost of the existing supply from the Metropolitan Water District (MWD). The SDWA already has firm agreements with MWD to supply water. The SDWA's analysis suggests the cost of further investigation and development is economically infeasible based on the existing agreement to import water.

There is considerable uncertainty about how additional groundwater could be used in any event, under the Governor's Executive Order and State Water Board's Emergency Regulations, as they are currently being implemented. The water purveyors throughout the region are concerned that after they expend the money to develop the local resource they would be limited in how much they could provide for use. Limiting the amount that could be supplied would require increasing the unit cost of supplied water, which could make it uneconomical.

Several other local sources were identified in the Summit as a priority for development. The list included (in order of priority: 1) Direct and indirect potable reuse; 2) Increased use of recycled water; 3) Desalination; and 4) Storm water capture to recharge aquifers. The focus group identified several areas where they felt the San Diego Water Board could help them with creating and developing a sustainable water portfolio and as they strive to meet the Governor's

directives. The suggestions included continued meetings and discussions, a workshop hosted by the SDWA to further explore this matter, quicker turnaround on recycled water permits, and align the San Diego Water Board's priorities and workforce with the needs of the water purveyors to develop a sustainable water supply.

Conclusion

The Summit was a useful setting for a collaborative discussion on cooperative and individual efforts to respond to the current drought and improve long term drought resiliency. Follow up actions by the San Diego Water will include sharing this summary report at the July 20, 2015 San Diego Water Board Legislators Water Quality Summit, expedited efforts to authorize increased recycled water re-use, accelerated work on Master Reclamation and Desalination facility permits, and follow up meetings with the CWA and the storm water permittees on over irrigation and landscaping runoff prohibition enforcement efforts.

Attachments

1. Agenda of the Sustainable Water Supply and Drought Resiliency Summit

Drought Action Summit

May 11, 2015

1:00pm -4:00pm

San Diego Regional Water Quality Control Board

2375 Northside Drive, San Diego, CA 92108

Agenda

1. Introduction , Purpose and Goals for the Summit (*Dave Gibson*)

Achieving the 25% Water Consumption Reduction Mandate and Improving Long Term Drought Resilience

2. San Diego Water Board (*Water Board Members Tomas Morales, Eric Anderson*)

- a. Drought MS4 Enforcement
- b. Long Term Drought Resilience Coordination

3. State Water Board Perspective (*State Board Member Frances Spivy-Weber*)

4. Facilitated Discussion – Approaches and Suggested Topics for Discussion

a. Messaging –

Coordination on consistent messaging across both conservation and runoff prohibitions.

b. Incentives –

Increasing or extending incentives for conservation and capacity improvement.

c. Enforcement –

Compulsory measures to be employed consistently, fairly, and effectively to help achieve the goal.

d. Resource Sharing –

Information, coordination of efforts, and financing opportunities.

e. Expanded or Accelerated Recycled Water Re-Use –

Getting more recycled water into effective, efficient use, identifying obstacles and pathways to achieve the goal.

f. Integration of Storm Water Capture into Water Supply Portfolio –

Identifying obstacles and financing for increased development of storm water capture and use facilities.

g. Expanded or Accelerated Development of Underutilized Local Water Resources -

Getting more local waters (especially underutilized groundwater) into effective, efficient use, identifying obstacles and pathways to achieve the goal.

h. Other Approaches

5. Action Items and Next Steps